

California Regional Water Quality Control Board
North Coast Region

Order No. R1-2002-0002
NPDES Permit No. CA0025119
I.D. No. 1B01114NHUM

WASTE DISCHARGE REQUIREMENTS

FOR

CALIFORNIA DEPARTMENT OF TRANSPORTATION
SEISMIC RETROFIT PROJECT, HUMBOLDT BAY BRIDGES

Humboldt County

The California Regional Water Quality Control Board, North Coast Region, (hereinafter Regional Water Board) finds that:

1. The California Department of Transportation (hereinafter permittee) submitted a Report of Waste Discharge for Waste Discharge Requirements dated June 4, 2001. Supplemental information to complete the Report of Waste Discharge was submitted on June 6, 2001.
2. The Humboldt Bay Bridges are three bridge structures located in Humboldt County on State Route 255 between the City of Eureka and the Samoa Peninsula from Post Mile (PM) 0.2 to 1.9. The location is shown on "Attachment A," incorporated herein and made a part of this Order. The goal of the project is to retrofit the three bridge structures for protection against partial or complete collapse during a Maximum Credible Earthquake (MCE) event. The project will reinforce each pier column, enlarge and/or reinforce each pier footing, and place additional footing piles as needed at each pier location. Approximately 40 piers over a 1.7-mile distance will be upgraded during a minimum 32-month construction period.
3. The project will require excavation and drilling within Humboldt Bay and adjacent upland (above high tide) areas. Construction activities having potential to contribute sediment to storm water discharges include: transfer and transport of soils and excavated bay sediments, stockpiling and storing excavated soils and bay sediments, discharge of process water, storm water runoff from disturbed areas, and dewatering cofferdam excavations and excavated soils and bay sediments. Total excavation for the project is estimated at a minimum of 5,000 cubic yards. Other potential impacts include wet concrete washing and other chemical materials used during construction activities as well as petroleum products reaching Humboldt Bay and/or its tributaries.
4. Temporary, localized turbidity in Humboldt Bay is expected as a consequence of construction activities. These activities include: excavation of bay sediments; barge movement in shallow waters; installation and removal of approximately 1,115 temporary trestle piles, 19 cofferdams, and Cast-in-Steel-Shell Piles; (CISS Piles), and backfilling excavation sites located within the bay. Barges and temporary trestle piles will be used for construction access to the bridge footings.

5. Turbidity control measures listed for use during excavation activities include use of turbidity silt curtains and/or water bladder walls. Cofferdams will isolate turbidity in localized areas where they are used. Dewatering operations for excavated bay sediments may include the use of tanks equipped with sediment filters, and/or above ground sedimentation basins indirectly discharging water to the bay in a controlled manner. It is expected that Bay water and ground water infiltration will accumulate CISS Piles and sealed cofferdams, after dewatering activities associated with excavation are completed. This water will remain in either the cofferdams or CISS Piles for an extended period of time and is expected to be clear and uncontaminated. Clear water from cofferdams and CISS Piles will be discharged directly to the Bay after analysis for pH, Total Suspended Solids, and Turbidity are conducted. Receiving water limitations and prohibitions will be observed prior to and during the discharge of any clear water from sealed cofferdams and/or CISS Piles.
6. Soil and groundwater contamination has been identified at former mill and foundry sites located on the eastern side of the Eureka Channel. These sites are now owned by the City of Eureka. Excavation will be conducted at three piers located within the former mill site. An area proposed for staging activities also will be located on or near the contamination sites. Elevated levels of petroleum-related chemicals may be present in subsurface soils and groundwater. Potential impacts include transport of contaminated soils suspended in runoff from excavations or disturbed areas and contaminated groundwater reaching Humboldt Bay and/or its tributaries. Groundwater from the contaminated area will be held in tanks, characterized, and disposed off-site as appropriate or discharged into the city of Eureka's sanitary sewer systems. Regional Water Board staff will meet with Cal Trans, City of Eureka and the project contractor to develop a specific Storm Water Pollution Prevention Plan and monitoring program for the contaminated areas. This Order does not authorize discharge or disposal of contaminated soils or dewatered groundwater.
7. Control measures for storm water from the staging area and other disturbed ground include utilization of existing paved and vegetated areas and other best management practices listed on a statewide storm water permit for construction activities previously issued to the permittee. Pumped groundwater will be stored in tanks. Groundwater will be sampled and will be either discharged to the City of Eureka sanitary sewer or transported for disposal at an appropriate site.
8. This project is a minor discharger as defined in 40 CFR 122.21(j). This facility is rated as a category 2 threat to water quality and category B complexity, pursuant to the California Code of Regulations (CCR) §2200.
9. The Water Quality Control Plan for the North Coast Region (Basin Plan) includes water quality objectives, implementation plans for point source and nonpoint source discharges, prohibitions, and statewide plans and policies.
10. The permittee has storm water discharges associated with construction activities, category "ix" as defined in 40 CFR Section 122.26(b)(14). The permittee has been issued a State Wide Storm Water Permit (State Wide Permit) and Waste

Discharge Requirements Order No. 99-06-DWQ (NPDES No. CAS000003). This Permit is intended to address activities that are not covered by the State Wide Permit, and are intended to supplement, not replace, its terms.

11. The permittee has prepared a Conceptual Storm Water Pollution Prevention Plan (CSWPPP). The CSWPPP establishes minimum provisions that will be implemented during the project. The CSWPPP includes source identification, practices to reduce or eliminate pollutant discharge to storm water, an assessment of potential pollutant sources, a materials inventory, a preventive maintenance program, spill prevention and response procedures, general storm water management practices, employee training, record keeping, and elimination of non-storm water discharges to the storm water system. It also includes a storm water monitoring plan to verify the effectiveness of the CSWPPP.
12. The discharge does not contain priority pollutants at levels that will cause, have the reasonable potential to cause, or contribute to an exceedance of any water quality standards. Monitoring of priority pollutants and 2,3,7,8-TCDD equivalents will not be required.
13. The beneficial uses of Humboldt Bay include:
 - a. agricultural supply
 - b. industrial service supply
 - c. navigation
 - d. water contact recreation
 - e. noncontact water recreation
 - f. commercial and sport fishing
 - g. cold freshwater habitat
 - h. inland saline water habitat
 - i. wildlife habitat
 - j. preservation of rare, threatened or endangered species
 - k. marine habitat
 - l. migration of aquatic organisms
 - m. spawning, reproduction, and/or early development
 - n. shellfish harvesting
 - o. estuarine habitat
 - p. aquaculture
14. Effluent limitations and toxic standards established pursuant to Sections 208(b), 301, 302, 303(d), 304, 306, and 307 of the CWA and amendments thereto are applicable to the permittee.
15. The permitted discharge is consistent with the antidegradation provision of 40 CFR 131.12 and State Water Board Resolution No. 68-16, *Statement of Policy with Respect to Maintaining High Quality of Waters in California*. The impact on existing water quality will be insignificant.
16. A statutory exemption under Public Resources Code Section 21080(b)(4) exempts this project from meeting the environmental document review provisions of the California Environmental Quality Action (Public Resources Code Section 21000,

et seq.). Section 180.2 of the California Streets and Highways Code stipulates that "...the structural modification of an existing highway structure or toll bridge, or the replacement of a highway structure or toll bridge within, or immediately adjacent to an existing right-of-way" are exempt from CEQA by considering them to be "specific actions necessary to prevent or mitigate an emergency." The Regional Water Board finds that this project will not cause significant water quality impacts if conducted in compliance with this Permit. The Regional Water Board also finds that the potential cumulative loss of wetland, intertidal mudflats, and eel grass would be temporary, and/or avoided, minimized, or mitigated by implementing the terms of this permit and the mitigation measures proposed under the Environmental Assessment.

17. The Regional Water Board has notified the permittee and interested agencies and persons of its intent to prescribe waste discharge requirements for the discharge and has provided them with an opportunity to submit their written comments and recommendations.
18. The Regional Water Board, in a public meeting, heard and considered all comments pertaining to the discharge.
19. This Order will serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Clean Water Act, or amendments thereto, and will take effect upon adoption by the Regional Water Board.

THEREFORE, IT IS HEREBY ORDERED that the permittee, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Clean Water Act and regulations and guidelines adopted thereunder, shall comply with the following:

A. DISCHARGE PROHIBITIONS

1. The discharge of any waste not specifically regulated by this Permit is prohibited.
2. Creation of pollution, contamination, or nuisance, as defined by Section 13050 of the California Water Code (CWC) is prohibited.
3. The discharge of waste to land that is not under the control of the permittee is prohibited except as authorized under **C. SOLIDS DISPOSAL**.
4. The discharge to Humboldt Bay or its tributaries of untreated water from dewatering activities is prohibited.
5. The discharge to Humboldt Bay of clear water from sealed cofferdams and/or CISS Piles having potential to violate any Receiving Water Limitations is prohibited.
6. The discharge of pumped groundwater containing constituents in excess of the background level in waters from Humboldt Bay or its tributaries is prohibited.

7. The discharge of any priority pollutant as listed in the California Toxic Rule (Analytes listed in Appendix A) that would:
 - a) Cause,
 - b) Have a reasonable potential to cause, or
 - c) Contribute to an excursion above any applicable priority pollutant criterion or objective is prohibited.
8. The discharge of pumped groundwater having detectable levels of the constituents listed in the table below and constituents listed in Tables 2a, 2b, and 2d of Appendix A (California Toxics Rule) is prohibited. For the purpose of this Order, the Minimum Level (ML) of detection shall be those listed in the table below and in Tables 2a, 2b, 2c and 2d of Appendix A.

| Constituent | Units | Required Minimum Level |
|--------------------------------------------------------------------|-------|------------------------|
| Total Petroleum Hydrocarbons | ug/l | 50.0 |
| Total Xylenes | ug/l | 0.5 |
| Methyl Tertiary-butyl ether (MtBE) ^a | ug/l | 0.5 |
| Di-Isopropyl ether (DIPE) ^a | ug/l | 0.5 |
| Tertiary-amyl methyl (TAME) ^a | ug/l | 0.5 |
| Ethyl tertiary-butyl ether (ETBE) ^a | ug/l | 0.5 |
| Tertiary-butyl alcohol (TBA) ^a | ug/l | 5.0 |
| Methanol | mg/l | 1.0 |
| Ethanol ^a | ug/l | 5.0 |
| Volatile Organic Compounds (Other than those listed on Appendix A) | ug/l | 0.5 |

9. The discharge of soil, silt, sawdust, or other organic and earthen materials from any construction associated activity of whatever nature into Humboldt Bay or its tributaries in quantities deleterious to fish, wildlife, or other beneficial uses is prohibited. The placing of such materials at locations where such materials could pass into Humboldt Bay or its tributaries is prohibited.
10. The discharge of waste, including, but not limited to, sandblasting wastes, paint, paint debris and/or chips, wash waters, concrete treatment chemicals, and concrete washwater wastes, into Humboldt Bay or its tributaries, or to locations where these materials could pass into Humboldt Bay or its tributaries, is prohibited.

B. RECEIVING WATER LIMITATIONS

1. The waste discharge shall not cause the dissolved oxygen concentration of the receiving waters to be depressed below 7.0 mg/l. In the event that the receiving waters are determined to have dissolved oxygen concentration of less than 7.0

^a All fuel oxygenates are to be analyzed using EPA method 8260 (except methanol)

mg/l, the discharge shall not depress the dissolved oxygen concentration below the existing level.

2. The discharge shall not cause the pH of the receiving waters to be raised above 8.5 or depressed below natural background levels. Additionally, the discharge shall not cause the pH of the receiving waters to be changed at any time more than 0.2 units from that which occurs naturally.
3. The discharge shall not cause the turbidity of the receiving waters to be increased more than 20 percent above naturally occurring background levels, at a distance of 200 feet beyond the point of discharge. Turbidity shall not be increased in the area proximate to the site during times when dredging or dewatering activities are not occurring.
4. The discharge shall not cause the receiving waters to contain floating materials, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses.
5. The discharge shall not cause the receiving waters to contain taste- or odor-producing substances in concentrations that impart undesirable tastes or odors to fish flesh or other edible products of aquatic origin, that cause nuisance, or that adversely affect beneficial uses.
6. The discharge of waste shall not cause esthetically undesirable discoloration of the receiving waters during times when dredging or dewatering activities are not occurring.
7. The discharge shall not cause bottom deposits in the receiving waters to the extent that such deposits cause nuisance or adversely affect beneficial uses.
8. The discharge shall not contain concentrations of biostimulants that promote objectionable aquatic growths to the extent that such growths cause nuisance or adversely affect beneficial uses of the receiving waters.
9. The discharge shall not cause the receiving waters to contain toxic substances in concentrations that are toxic to, degrade, or that produce detrimental physiological responses in humans or animals or cause acute or chronic toxicity in plants or aquatic life.
10. The discharge shall not cause a measurable temperature change in the receiving waters.
11. The discharge shall not cause bioaccumulation of pesticide, fungicide, wood treatment chemical, or other toxic pollutant concentrations in bottom sediments or aquatic life to levels that are harmful to human health.
12. The discharge shall not cause the receiving waters to contain oils, greases, waxes, or other materials in concentrations that result in a visible film or coating on the surface of the water or on objects in the water that cause nuisance or that otherwise adversely affect beneficial uses.

13. This discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Water Board or the State Water Board as required by the Federal Water Pollution Control Act, and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Water Pollution Control Act, or amendments thereto, the Regional Water Board will revise and modify this Permit in accordance with such more stringent standards.
14. The discharge shall not cause concentrations of contaminants to occur at levels that are harmful to human health in waters that are existing or potential sources of drinking water.
15. The discharge shall not cause concentrations of toxic pollutants in the water column, sediments, or biota that adversely affect beneficial uses.
16. The discharge shall not cause acute or chronic toxicity in the receiving waters.

C. SOLIDS DISPOSAL

1. Excess earthen, demolition, and organic materials generated during the project and all other solid waste, (as defined in Public Resources Code Section 40191) and hazardous waste, (as defined in Title 27, California Code of Regulations, Section 2521) removed from the job site shall be disposed at a legal point of disposal and in accordance with the provisions of Title 27, Division 2, Subdivision 1 of the California Code of Regulations or as waived pursuant to Section 13269 of the California Water Code. If a disposal site is to be used that has not been approved previously by the Regional Water Board, the permittee shall obtain approval of the new disposal site prior to initiation of the proposed project.

D. PROVISIONS

1. Duty to Comply

The permittee shall comply with all of the conditions of this Permit. Any Permit noncompliance constitutes a violation of the Clean Water Act and the Porter-Cologne Water Quality Control Act and is grounds for enforcement action; Permit termination, revocation and reissuance, or modification; or denial of a Permit renewal application. [40 CFR 122.41(a)]

The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Clean Water Act for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Permit has not yet been modified to incorporate the requirement. [40 CFR 122.41(a)(1)]

2. Fuel Storage

The storage and use of any fuels, oils, or toxic substances at the project location or offsite staging areas shall be managed to prevent discharges of waste. All spills and leaks shall be promptly reported to the Regional Water Board Executive Officer and cleaned up immediately, and all contaminated materials shall be disposed at an approved disposal site.

3. Duty to Reapply

This Permit expires upon completion of the project or on January 24, 2007, whichever occurs first. If the permittee wishes to continue an activity regulated by this Permit after the expiration date of this Permit, the permittee shall apply for and obtain a new Permit. The application, including a report of waste discharge in accordance with Title 23, California Code of Regulations, shall be received by the Regional Water Board no later than July 24, 2006. [40 CFR 122.41(b)]

The Regional Administrator of the U.S. EPA may grant permission to submit an application at a later date prior to the Permit expiration date; and the Regional Administrator of the U.S. EPA may grant permission to submit the information required by paragraphs (g)(7), (9), and (10) of 40 CFR 122.21 after the Permit expiration date. [40 CFR 122.21(d)(2)]

4. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit. [40 CFR 122.41(c)]

5. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this Permit that has a reasonable likelihood of adversely affecting human health or the environment. [40 CFR 122.41(d)]

6. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with this Permit. This provision requires the operation of backup or auxiliary facilities or similar systems that are installed by a permittee only when necessary to achieve compliance with the conditions of this Permit. [40 CFR 122.41(e)]

7. Permit Actions

This Permit may be modified, revoked and reissued, or terminated for cause, including, but not limited to, the following:

- a. Violation of any terms or conditions of this Permit; or

- b. Obtaining this Permit by misrepresentation or failure to disclose fully all relevant facts; or
- c. A change in any condition that requires either a temporary or a permanent reduction or elimination of the authorized discharge; or
- d. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by Permit modification or termination.

If any toxic effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is promulgated under Section 307(a) of the Clean Water Act for a toxic pollutant which is present in the discharge and that standard or prohibition is more stringent than any limitation on the pollutant in this Permit, this Permit shall be modified or revoked and reissued to conform to the toxic effluent standard or prohibition and the permittee so notified. [40 CFR 122.44(b)]

The filing of a request by the permittee for a Permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any Permit condition. [40 CFR 122.41(f)]

8. Property Rights

This Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations. [40 CFR 122.41(g)]

9. Duty to Provide Information

The permittee shall furnish the Regional Water Board, State Water Board, or U.S. EPA, within a reasonable time, any information which the Regional Water Board, State Water Board, or U.S. EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit or to determine compliance with this Permit. The permittee shall also furnish to the Regional Water Board, upon request, copies of records required to be kept by this Permit. [40 CFR 122.41(h)]

The permittee shall conduct analysis on any sample provided by U.S. EPA as part of the Discharge Monitoring Quality Assurance (DMQA) program. The results of any such analysis shall be submitted to U.S. EPA's DMQA manager.

10. Inspection and Entry

The permittee shall allow the Regional Water Board, State Water Board, U.S. EPA, and/or other authorized representatives upon the presentation of credentials and other documents as may be required by law, to:

- a. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records are kept under the conditions of this Permit;
- b. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this Permit;
- c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and
- d. Sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any locations. [40 CFR 122.41(i)]

11. Monitoring and Records

- a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
- b. The permittee shall calibrate and perform maintenance procedures in accordance with manufacturer's specifications on all monitoring instruments and equipment to ensure accurate measurements. The permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the application for this Permit, for a period of at least three years from the date of the sample, measurement, report, or application. This period may be extended by request of the Regional Water Board, State Water Board, or U.S. EPA at any time. All monitoring instruments and devices used by the permittee to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary, at least annually to ensure their continued accuracy.
- c. Records of monitoring information shall include:
 - i. The date, exact place, and time of sampling or measurements;
 - ii. The individual(s) who performed the sampling or measurements;
 - iii. The date(s) analyses were performed;
 - iv. The individual(s) who performed the analyses;
 - v. The analytical techniques or methods used; and
 - vi. The results of such analyses.
 - vii. The method detection limit (MDL); and
 - viii. The practical quantitation level (PQL) or the limit of quantitation (LOQ).
- d. Unless otherwise noted, all sampling and sample preservation shall be conducted in accordance with the current edition of "Standard Methods for the Examination of Water and Wastewater" (American Public Health Association). All analyses shall be conducted according to test procedures

under 40 CFR Part 136, unless other test procedures have been specified in this Permit or approved by the Executive Officer of the Regional Water Board. Unless otherwise specified, all metals shall be reported as total metals.

12. Signatory Requirements

- a. All Permit applications, reports, or information submitted to the Regional Water Board, State Water Board, and/or U.S. EPA shall be signed by either a principal executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency. [40 CFR 122.22(a)]
- b. Reports required by this Permit, other information requested by the Regional Water Board, State Water Board, or U.S. EPA, and Permit applications submitted for Group II storm water discharges under 40 CFR 122.26(b)(3) may be signed by a duly authorized representative provided:
 - i. The authorization is made in writing by a person described in paragraph (a) of this provision;
 - ii. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company; and
 - iii. The written authorization is submitted to the Regional Water Board prior to, or together with, any reports, information, or applications signed by the authorized representative. [40 CFR 122.22(b)(c)]
- c. Any person signing a document under paragraph (a) or (b) of this provision shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted, is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." [40 CFR 122.22(d)]

13. Reporting Requirements

- a. Planned changes: The permittee shall give notice to the Regional Water Board as soon as possible of any planned physical alteration or additions to the permitted facility. Notice is required under this provision only when:
 - i. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or

- ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are subject neither to effluent limitations in the Permit nor to the notification requirements under Provision 13 (f).
- b. Anticipated noncompliance: The permittee shall give advance notice to the Regional Water Board of any planned changes in the permitted facility or activity which may result in noncompliance with Permit requirements.
- c. Transfers: This Permit is not transferable.
- d. Monitoring reports: Monitoring results shall be reported at the intervals specified in the self monitoring program. The permittee shall submit an annual report to the Regional Water Board such that it is received no later than February 28 following the annual reporting period. The report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the permittee shall discuss the compliance record and the corrective actions taken or planned that may be needed to bring the discharge into full compliance with the Permit. If the permittee monitors any pollutant more frequently than required by this Permit, using test procedures approved under 40 CFR Part 136 or as specified in this Permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR.
- e. Compliance schedules: Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this Permit shall be submitted such that it is received by the Regional Board via fax, e-mail, or postal service no later than 14 days following each schedule date.
- f. Noncompliance reporting: The permittee shall report any noncompliance at the time monitoring reports are submitted. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times and, if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance.

In addition, the following events shall be reported orally as soon as the permittee becomes aware of the circumstances, and the written report shall be submitted such that it is received by the Regional Board no later than 14 days of that time.

- i. Any unanticipated bypass that violates any prohibition or exceeds any effluent limitation in the Permit.
- ii. Any upset that exceeds any effluent limitation in the Permit.
- iii. Violation of a maximum daily discharge limitation for any of the pollutants listed by the Regional Water Board in this Permit.

- iv. Any noncompliance that may endanger health or the environment.

The Executive Officer may waive the above-required written report.

- g. Other information: Where the permittee becomes aware that it failed to submit any relevant facts in a Permit application, or submitted incorrect information in a Permit application or in any report to the Regional Water Board, the permittee shall promptly submit such facts or information. [40 CFR 122.41(1)]

14. Upset

In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof. [40 CFR 122.41(n)]

15. Enforcement

The Clean Water Act provides that any person who violates a Permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Clean Water Act is subject to a civil penalty not to exceed \$25,000 per day of violation. Any person who negligently violates Permit conditions implementing Sections 301, 302, 306, 307, or 308 of the Act is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment of not more than one year, or both. Higher penalties may be imposed for knowing violations and for repeat offenders. The Porter-Cologne Water Quality Control Act provides for civil and criminal penalties comparable to, and in some cases greater than, those provided under the Clean Water Act.

16. Availability

A copy of this Permit shall be maintained at the discharge facility and be available at all times to operating personnel.

17. Change in Discharge

In the event of a material change in the character, location, or volume of a discharge, (including any point or nonpoint discharge to land or groundwater) the permittee shall file with this Regional Water Board a new report of waste discharge at least 180 days before making any such change. [CWC Section 13376]. A material change includes, but is not limited to, the following:

- a. Significant change in disposal method, e.g., change from a land disposal to a direct discharge to water, or change in the method of treatment which would significantly alter the characteristics of the waste.
- b. Significant change in the disposal area, e.g., moving the discharge to another drainage area, to a different water body, or to a disposal area, significantly removed from the original area, potentially causing different water quality or nuisance problems.

- c. Increase in area or depth to be used for solid waste disposal beyond that specified in the waste discharge requirements. [CCR Title 23 Section 2210]

18. Severability

Provisions of these waste discharge requirements are severable. If any provision of these requirements is found invalid, the remainder of these requirements shall not be affected.

19. Monitoring

The Regional Water Board or State Water Board may require the permittee to establish and maintain records, make reports, install, use, and maintain monitoring equipment or methods (including where appropriate biological monitoring methods), sample effluent as prescribed, and provide other information as may be reasonably required. [CWC Section 13267 and 13383].

The permittee shall comply with the Contingency Planning and Notification Requirements Order No. 74-151 and the Monitoring and Reporting Program No. R1-2002-0002 and any modifications to these documents as specified by the Executive Officer. Such documents are attached to this Permit and incorporated herein. The permittee shall file with the Regional Water Board technical reports on self monitoring work performed according to the detailed specifications contained in any monitoring and reporting program as directed by the Regional Water Board.

Chemical, bacteriological, and bioassay analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. In the event a certified laboratory is not available to the permittee, analyses performed by a noncertified laboratory will be accepted provided a quality assurance/quality control program is instituted by the laboratory, and a manual containing the steps followed in this program is kept in the laboratory and made available for inspection by staff of the Regional Water Board. The quality assurance/quality control program shall conform to U.S. EPA or State Department of Health Services guidelines.

All Discharge Monitoring Reports shall be sent to:

California Regional Water Quality Control Board
North Coast Region
5550 Skylane Boulevard, Suite A
Santa Rosa, CA 95403

U.S. EPA, Region 9
Attn: WTR-7, NPDES/DMR
75 Hawthorne Street
San Francisco, CA 94105

20. Reopener

The Regional Water Board may modify or revoke and reissue this Order if present or future investigations demonstrate that the permittee governed by this Order is causing, or significantly contributing to, adverse impacts on water quality and/or beneficial uses of receiving waters.

In addition, the Regional Water Board may consider revising this Permit to make it consistent with any State Water Board decisions arising from various petitions for rehearing, and litigation concerning the CWA Section 303(d) list and total maximum daily load (TMDL) program.

21. Subcontractor Oversight

The Department of Transportation has the flexibility to hire subcontractors for completing work associated with Humboldt Bay Bridges Retrofit Project. Both the Department of Transportation and any subcontractors associated with this project shall be independently responsible for meeting all conditions contained in Order No R1-2002-0002.

Certification

I, Susan A. Warner, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on January 24, 2002.

Susan A. Warner
Executive Officer